

In re Patent Application of:
KENNETH JOHN DAVEY
Serial No. **09/848,648**
Filing Date: **May 3, 2001**

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts in the examination of this application. Reconsideration is respectfully requested.

I. Claim Objections

The Examiner has objected to Claim 6 as containing a reference to a fourth channel without there being a sequence including a third channel.

Claim 6 has been amended to depend from Claim 4, in which the third channel is introduced. This objection is therefore believed overcome.

II. Rejection of Claims 1-6 and 17 under 35 USC 102(b)

The Examiner has rejected Claims 1-6 and 17 under 35 USC 102(b) as being anticipated by Davey (U.S. Patent No. 5,770,794).

This rejection is respectfully traversed. The Examiner appears to be equating the fluid communication means of Davey '794, element 12, with the "isolation means" (now amended to recite "an isolation mechanism") recited in Claim 1. Element 12 in Davey '794 is simply a manifold for providing fluid communication between cavities 11 and a constant vacuum source 17. The element 12 of Davey '794 is in fact analogous to the "first fluid communication means" (now amended to recite "first fluid communication arrangement"),

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which comprises in combination the channel 30, hole 31, and conduit 32 as depicted in FIG. 3 of the present application (see, for example, page 9, lines 3-8).

Nowhere does Davey '794 disclose or suggest the use of an "isolation means" that isolates each of the fluid cavities from fluid communication with the constant vacuum source as recited in present Claim 1. In the present invention, the isolation means is used to cut off fluid communication between the cavities and the vacuum source. However, element 12 in Davey '794 does the exact opposite in providing fluid communication between the cavities and the vacuum source.

Various embodiments of the isolation means are disclosed in the present Specification, such as the probe 38 of FIG. 4 and a multiplexor or switch 38a in FIG. 8. In FIG. 9 the isolation means 39b comprises a plurality of actuators 60 and magnets 62. In FIGS. 11-12b, the actuator 38c comprises a pair of pinch rollers 50. In FIG. 16 the isolation means 38d comprises a worm screw 90 and a ball 93.

Similarly, independent Claim 17 is believed to patentably define over Davey '794. Claim 17 recites the step of "isolating each of said first cavities from said constant vacuum source." This step is neither taught nor disclosed by Davey '794.

Therefore, independent Claims 1 and 17 are believed to patentably distinguish over the cited art, and also, consequently, dependent Claims 2-6.

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II. Rejection of Claims 7, 18, and 19 under 35 USC 103(a)

The Examiner has rejected Claims 7, 18, and 19 under 35 USC 103(a) as being unpatentable over Davey '794 in view of Oertle (U.S. Patent No. 4,104,906).

Claim 19 is believed to patentably distinguish over Davey '794 as discussed above, in reciting the step of "isolating each of said first cavities from said constant vacuum source." As the Examiner has relied upon Davey '794 to provide this element, which has been discussed above, Claim 19 is believed patentable.

As Claims 7 and 18 depend, directly or indirectly, from independent Claims 1 and 17, Claims 7 and 18 are also believed to patentably distinguish over the cited art.

III. Allowable Subject Matter of Claims 8-16 and 20-22

Applicant acknowledges with appreciation the allowability of the subject matter of Claims 8-16 and 20-22.

In consequence of this allowability, new independent Claims 23-30 have been presented, with Claims 23-25 corresponding to Claims 10, 11, and 14; Claims 26 and 27, to Claims 15 and 16; Claim 28 to Claim 20; and Claims 29 and 30, to Claims 21 and 22.

IV. Additional Claim Amendments

Further claim amendments have been made to Claims 1-7 and 10-16 to change the

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"means plus function" language. No new matter has been entered thereby.

Claim 17 has been amended to correct a capital "I" to lower case in "isolating".

Claims 2, 4-18, 20, and 21 have been amended to add a period to the claim number.

Conclusions

Applicant respectfully submits that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the claims as amended in light of the arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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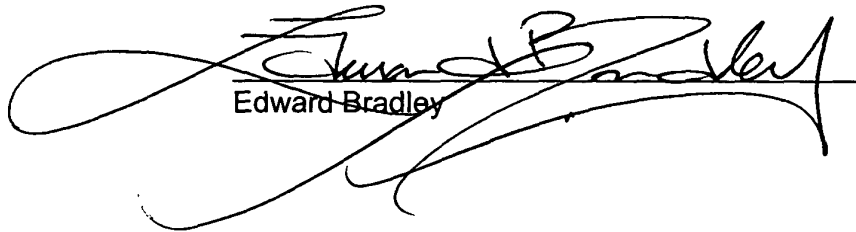
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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 4th day of August, 2003.


Edward Bradley